

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

SEAN CIRILLO

CRIMINAL ACTION NO.

1:23-CR-365-VMC-JKL

MOTION TO RECONSIDER BOND

NOW COMES the Defendant, SEAN CIRILLO, by and through his undersigned counsel and moves this Court to reconsider its earlier decision to deny Mr. Cirillo bond. Mr. Cirillo respectfully requests that this Court consider his pleading and grant him pretrial release. In support thereof, Mr. Cirillo shows the Court the following:

(1)

Mr. Cirillo has been charged in a one count criminal indictment with violating 18 U.S.C. § 875(c). (Doc. 7).

(2)

The indictment alleges that on or about November 8, 2023, Mr. Cirillo transmitted a communication in interstate and foreign commerce from the State of Georgia to the District of Columbia, that contained a threat to injure a U.S. Representative and others by using a cellular

telephone to make threatening statements, in violation of Title 18 U.S.C. § 875(c). *Id.*

(3)

Mr. Cirillo was arraigned on this Indictment on November 16, 2023, at which time he entered a plea of not guilty. His case was assigned to Magistrate Judge John K. Larkins for pretrial matters and to Judge Victoria Calvert for trial. (Doc.10).

(4)

On November 16, 2023, This Court conducted Mr. Cirillo's detention hearing subsequent to his arrest on November 13, 2023. At this hearing, Mr. Cirillo requested to be released on bond pending his trial. In support of this request, Mr. Cirillo argued the following: (1) That Mr. Cirillo was born in Macon, Georgia and was currently residing in the Atlanta area at the time of his arrest; (2) He graduated from the University of Georgia in 2015 with a Bachelor's degree in Mathematics and subsequently attended graduate school at Wake Forest University from 2016-2017; (3) Mr. Cirillo's last employment was at Home Depot in Atlanta Georgia as a data engineer which ended in August of 2023; (4) Mr. Cirillo plans on obtaining employment in his field of study that if he

is released on bond; (5) Mr. Cirillo has a single prior conviction for DUI in 2019 for which he received a probated sentence that he successfully completed; (6) At the time of his arrest, he cooperated fully with law enforcement, to include providing statements regarding the alleged offense conduct; (7) No weapons were recovered from his person or residence at the time of his arrest; (8) There was no evidence indicating that Mr. Cirillo had engaged in any steps to carry out the alleged threats.

(5)

A pretrial services report was prepared in which a \$10,000 unsecured bond was recommended.

(6)

At the conclusion of the hearing, the Court granted the Government's motion for detention expressing concerns regarding Mr. Cirillo's mental health and residence if he were to be released on bond. This Court also opined that a motion for reconsideration would be entertained following a mental health evaluation and if residence could be established where Mr. Cirillo had some kind of supervision.

(7)

Both concerns have been addressed by undersigned counsel. A complete psychological evaluation was conducted by Dr. Jason Hall beginning on January 9, 2024. A copy of Dr. Hall's report will be filed under seal for this Court's review. Counsel for the government has been provided with a copy of the same. Additionally, Mr. Cirillo's childhood home in Macon, Georgia is still owned by his parents who now resides in Florida. However, that residence is currently occupied by Mr. Cirillo's Uncle who has agreed to allow Mr. Cirillo to reside there and to provide care if he is released on bond.

(8)

Counsel for the government does not oppose the release of Mr. Cirillo on bond.

(9)

As such, Mr. Cirillo implores the Court to reconsider its previous detention order and to release Mr. Cirillo on a signature bond with any number of conditions the court deems just and necessary. The parties also jointly request a hearing to address the conditions of said bond and to address any further questions in this regard.

(10)

Mr. Cirillo understands the seriousness of the charged offense against him. However, Mr. Cirillo would like the opportunity to resume employment and to continue to reside at home with his uncle pending a resolution of this allegation. He would also like to participate in mental health counseling as recommended by mental health experts. If granted a bond, Mr. Cirillo will not flee or commit any new offenses.

WHEREFORE, for the above-stated reasons, Mr. Cirillo respectfully requests that he be granted a signature bond following a hearing on this motion to address any further concerns or questions that the Court may have in rendering a decision.

Dated: This 1st day of April 2024.

Respectfully submitted,

s/ Allison C. Dawson

Allison C. Dawson

Georgia State Bar No. 171940

Attorney for SEAN CIRILLO

Federal Defender Program, Inc.
Suite 1500, Centennial Tower
101 Marietta Street, N.W.
Atlanta, Georgia 30303
(404) 688-7530/(404) 688-7530 fax
allison_dawson@fd.org